

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TEVIN JONES,

Plaintiff,

v.

**Civil Action 2:23-cv-920
Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura**

ENTERPRISE HOLDINGS INC., *et al.*,

Defendants.

ORDER

This matter is before the Court on Defendants’ Motion to Dismiss for Lack of Prosecution (ECF No. 36). By way of background, the Court held a conference on July 9, 2024, and ordered Plaintiff to provide his availability and to attend a conference call with Defendants’ counsel to discuss various discovery disputes. (ECF No. 33.) The Court instructed that if the parties remained at impasse following that conference call, they should request an informal conference with the Court to resolve the remaining disputes. (*Id.*) Plaintiff was further cautioned that “if he fails to comply with this Order (e.g., by failing to provide his availability or by failing to appear for the conference call at an agreed-upon time), Defendants may move for an order holding Plaintiff in contempt. Possible sanctions for contempt include an order requiring Plaintiff to pay a portion of Defendants’ attorney’s fees or a recommendation that this action be dismissed for failure to prosecute.” (*Id.*)

Defendants’ Motion establishes that Plaintiff did provide his availability and did appear for a conference call to discuss the parties’ discovery disputes as ordered. (ECF No. 33). Thus,

the Court's caution regarding the possibility of a finding of contempt or dismissal is not implicated. And although the parties were unable to reach agreement on their discovery disputes, Defendants' remedy in that eventuality is to request an informal conference with the Court. (*Id.*) Accordingly, Defendants' Motion (ECF No. 36) is **DENIED WITHOUT PREJUDICE**. Defendants are **DIRECTED** to request an informal conference with the Court by emailing [Vascura Chambers@ohsd.uscourts.gov](mailto:Vascura_Chambers@ohsd.uscourts.gov) with a summary of the outstanding disputes and their availability for a telephone conference during the weeks of September 3 and September 9. The parties will have the opportunity to submit letter briefing on the outstanding disputes in advance of the conference.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE